

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:21-cv-166-MOC**

HEATHER KATHLEEN GUNN,

Plaintiff, pro se,

vs.

**BRANDON PADGETT,
N.C. State Highway Patrol Trooper,**

Defendant.

ORDER

THIS MATTER is before the court on Plaintiff's Objection (#24) to the Magistrate Judge's Recommendation that the parties be directed to conduct an Initial Attorney Conference, (#21).

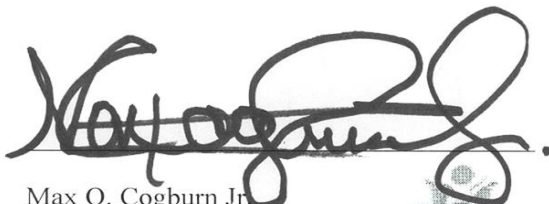
The Court will overrule Plaintiff's objection and affirm the magistrate judge's Order. Having determined that Plaintiff is not proceeding through the Pro Se Settlement Assistance Program, the magistrate judge properly recommended that the parties be directed to conduct an Initial Attorney Conference.¹

ORDER

¹ The Court advises Plaintiff, who is proceeding pro se, that an order for the Initial Attorney Conference to begin is not taking away any of Plaintiff's rights to pursue her lawsuit. Rather, this is the Court's standard procedure so that the discovery process for Plaintiff's lawsuit can begin. Furthermore, Plaintiff may certainly file a motion to amend her complaint. Furthermore, she can amend her Complaint once as a matter of course within: (A) 21 days after serving it, or (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier. FED. R. CIV. P. 15.

IT IS, THEREFORE, ORDERED that plaintiff's Objection to the Magistrate Judge's Order Denying Plaintiff's Motion to Compel (#24) is **OVERRULED**, and the Recommendation that the parties be directed to conduct an Initial Attorney Conference, (#21) is **AFFIRMED**. Consequently, Plaintiff's Motion to Request Stay of Initial Attorney Conference, (#22) is **DENIED**.

Signed: May 26, 2022



Max O. Cogburn Jr.
United States District Judge